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Roger Marcel Humbel

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EXAMINER

NGUYEN, HAI V

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,323	<b>Applicant(s)</b> HUMBEL, ROGER MARCEL	
	<b>Examiner</b> HAI V. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-31 is/are rejected.
- 7) ☒ Claim(s) 18, 20, 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the communication received on 18 May 2009.
2. Claims 1-12 were cancelled.
3. Claims 13-31 are presented for examination.

### ***Response to Arguments***

4. Applicant's arguments, see Applicant's remarks, pages 16-19, filed on 18 May 2009, with respect to the rejection(s) of claim(s) 13, 18, 20 and 22 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zimmerman et al. US patent # 7,471,199 B2.

### ***Claim Objections***

5. Claims 18, 20, 22 are objected to because of the following informalities:
6. Claim 18 recites the element of "*a mobile device comprising a single mobile handset device including a biometric sensor, a NFC transceiver*" and claim 20 recites the element of "*a method comprising processing and transferring through a NFC transceiver in a mobile handset device*" and claim 22 recites the element of "*a mobile device including a biometric sensor, a NFC transceiver*". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 13-17 recites the limitation "said handset device" in claims 13, 17. There is insufficient antecedent basis for this limitation in the claims 13, 17.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 13-31 are rejected under 35 U.S.C. 102(e) as being anticipated by

**Zimmerman et al. US patent # 7,471,199 B2.**

12. As to claim 13, Zimmerman discloses substantially the invention as claimed, including a mobile device (*Figures 1, 2, mobile device 102, 202*) for carrying out transaction applications (*col. 3, lines 45-64; col. 4, lines 7-16*) comprising:

a single mobile handset device (*Figures 1, 2, RFID device element 110, 110', 206, 206'*) including:

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(a) a biometric sensor (*Figures 1, 2, RFID read/write tags*) adapted for direct evaluation (*matching*) of a control function (*an access code, col. 4, lines 53-61*) to obtain access on an interactive Internet (*Figs. 1, 2, col. 3, line 45 - col. 4, line 35*), said biometric sensor being activatable by a pre-selected personal trait (*fingerprints, retinal scan, voice ID, genetic, col. 4, lines 24-35*);

(b) multiple transceivers (*Figures 1, 2, elements 205, 212*), wherein at least one of said multiple transceivers is a Near Field Communication transceiver (*Figures 1, 2, element 212*); and

(c) a software manager (*Figures 1, 2, hardware or software system elements, col. 8, line 51- col. 9, line 2164*) to evaluate (*to match*) the control function (*the access code*) against a predetermined list (*Figures 1, 2, memory element 118 containing block 124 for RFID tag identification data, block 126 for access control data such as one or more access codes for one or more resources or events, block 128 for other information like account balance, or transaction ledger, personal or other identifying information, biometric data, other measurement data or a history of use for the mobile key, col. 6, lines 6-24*) which controls use of said handset device as an electronic universal key (*a Personal Biometric Key (PBK)*) for remote applications (*col. 3, lines 45-64; col. 4, lines 7-16*) over said transceivers including tracking (*col. 4, lines 62-66*), opening or locking locks, reading and describing active transponders, direct payment functions for electronic cash or payment, process of services and obtaining information (*Figures 1, 2, col. 3, line 24 – col. 4, line 67; col. 11, lines 19-60*).

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13. As to claim 14, Zimmerman discloses, wherein said control function is at least one of access code, number, password, identification, authentication, or authorization (*an access code, col. 4, lines 53-61*).

14. As to claim 15, Zimmerman discloses, wherein said pre-selected personal trait is at least one of a fingerprint, voice, or eye iris (*col. 4, lines 17-35*).

15. As to claim 16, Zimmerman discloses, wherein said multiple transceivers are further selected Wireless Local Area Network, Ultra-Wideband, Infrared Data Association and Global System For Mobile Communications (*col. 7, lines 7-42*), and at least one of additional Near Field Communication (*Figures 1, 2, interrogation fields 111, 111", 207, 224*).

16. As to claim 17, Zimmerman discloses, wherein said handset device is selected from a mobile phone, an MP-3 player, a watch, a radio, a television, a lock, a computer and an extension kit (*Figs 1, 2*).

17. As to claim 18, Zimmerman discloses a mobile device (*Figures 1, 2, wireless device element or mobile key element 102, 102', 202, 202'*) for carrying out transaction applications comprising:

a single mobile handset device (*Figures 1, 2, RFID device element 110, 110', 206, 206'*);

at least one Near Field Communication transceiver (*Fig. 2, element 212*) adapted to process and transfer at least one of payment, access-control, active transponders and air-lock identifications, each being cleared on a pre-selected account on a server (*Figs. 1, 2, base station computer 108, 218*) by direct or indirect Global System For

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Mobile Communications or interactive Internet link (*Figs. 1, 2, col. 3, line 24 – col. 4, line 67; col. 17, line 64 – col. 62; col. 18, line 65 – col. 19, line 55*); and optional extension kit (*different applications, col. 4, lines 53-61*).

18. As to claim 19, Zimmerman discloses a biometric sensor to provide identification or authorization integrated therewith (*Figs 1, 2, col. 4, lines 17-35*).

19. Claim 20 corresponds to the method claim of claim 18; therefore, it is rejected under the same rationale as in claim 18 shown above.

20. As to claim 21, Zimmerman discloses, wherein said clearance includes identifying and authorizing based on provision of predetermined biometric data (*Figs 1, 2, col. 4, lines 17-35*).

21. As to claim 22, Zimmerman discloses an All In One Remote Key device (*Figures 1, 2, element 102, 202*) comprising:

a mobile device (*Figures 1, 2, element 206*) including a biometric sensor (*col. 4, lines 17-35*) wherein the biometric sensor evaluates (*matches*) at least one of an access, a code, a number, a password, an identification, an authentication, an authorization or a control function (*an access code, col. 4, lines 58-61*);

at least one first transaction transceiver (*Figures 1, 2, element 212*) operating via Near Field Communication and optionally at least one second transaction transceiver operating via Wireless Local Area Network (*Figures 1, 2, element 205, col. 7, lines 7-42*); and

optionally at least one of a memory, a display, a key pad, a microphone, a high speaker, a central processing unit, a computer, an accumulator, a solar-panel, and a

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camera, which mechanically or electronically interfaces with the at least one first transaction transceiver via a radio transmission (*Figures 1, 2*),

wherein the at least one first transaction transceiver is adapted to transfer at least one of a transaction, an application or information from an account server (*Figs. 1, 2, an access control device*) to the mobile device (*Figs. 1, 2, element 102, 202*).

22. As to claim 23, Zimmerman discloses, wherein the mobile device includes at least one of a mobile phone, a lock, a computer (*Figs. 1, 2, element 102, 202*) and an extension kit (*different applications on wireless device 102, 202*).

23. As to claim 24, Zimmerman discloses, wherein the biometric sensor is at least one of a fingerprint sensor, a voice sensor, an iris sensor, and a predetermined personal trait sensor (*col. 4, lines 17-35*).

24. As to claim 25, Zimmerman discloses, wherein the mobile device is structured to provide at least one application selected from:

- communication transceivers adapted to pair unit codes of the communication transceivers simultaneously with keys or with a directional antenna with said at least one first transaction transceiver in a direction of a selected active transponder (*Figs. 1, 2*);

25. As to claim 26, Zimmerman discloses, wherein the mobile device is structured to provide:

- biometric sensors over Near Field Communication to provide authorization and control of at least one object (*Figs. 1, 2*);



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- installation for power, telephone, radio net, central service unit, and terminal which are read, identified or reconfigured with protected service data (*Figures 1, 2*).

26. As to claim 27, Zimmerman discloses, wherein the mobile device includes software programmed with personal setting preferences (*personal biometric codes, col. 3, line 10 – col. 4, line 67*) for at least a buyer behavior over Bluetooth, wherein the personal setting preferences include at least one of a computer, a headset, a lock, a radio or a vehicle with management applications over computer (*Figs. 1, 2, a base station computer 108, 218*) adapted to control the personal setting preferences.

27. As to claim 28, Zimmerman discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation (*matching*) for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- video-clips and contents of a computer, a server, a mobile phone, a personal digital assistant, or a laptop after authentication or authorization with the biometric sensor being transferred on a predetermined server (*Figs. 1, 2, a base station computer 108, 218*).

28. As to claim 29, Zimmerman discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- clips with special application (*location, time, e.g., GPS application, col. 4, line 62 – col. 5, line 3*) after listing selected according to a predetermined interest (*a facility authorization*) and provided in different lists interactively from the mobile device or an

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application (*transaction application like debit card*) adapted to manage and run over authorization of the biometric sensor.

29. As to claim 30, Zimmerman discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide at least one of:

- a portal of the mobile device adapted to have an interactive open source application for authorization for never-ending applications for the portal to receive or to guarantee the application which runs over authorization of the biometric sensor (*Figures. 1, 2*).

30. As to claim 31, Zimmerman discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- traffic, security, emergency, or informational services with authorization over the biometric sensor (*Fig. 1, 2*); or
- interactive location and authorization for friends, supporters, law enforcement and police with authorization over the biometric sensor (*Figs. 1, 2*).

31. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/  
Examiner, Art Unit 2618